

PROB 12A
(06/15)**ENTERED**

January 29, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF TEXAS

Report on Offender Under Supervision – No Court Action Required

Name of Offender: John Frederick Foerster Case Number: 1:14CR00876-002

Name of Sentencing Judge: The Honorable Andrew S. Hanen

Date of Original Sentence: January 27, 2016

Original Offense: Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1) and 924(a)(2)

Original Sentence: 30 months custody of the U.S. Bureau of Prisons followed by a three (3) year term of supervised release

Type of Supervision: Supervised Release Supervision Started: December 29, 2016

EARLIER COURT ACTION

On February 15, 2017, a violation report was submitted to the Court which alleged violation of the mandatory condition of supervision which prohibits use of controlled substances not prescribed by a physician. On January 26, 2017, the offender submitted a urine specimen which tested positive for cocaine. On February 16, 2017, the Court concurred with the recommendation of the probation officer to take no action and allow the offender to attempt rehabilitative efforts via the outpatient drug treatment program. The Court reserved the right to address this violation at a later date.

On October 16, 2017, , a violation report was submitted to the Court which alleged violation of the mandatory condition of supervision which prohibits use of controlled substances not prescribed by a physician. On January 26, 2017, and September 13, 2017, the offender submitted urine specimens which tested positive for cocaine. On October 29, 2017, the Court concurred with the recommendation of the probation officer to take no action and allow the offender to continue rehabilitative efforts via the outpatient drug treatment program. The Court reserved the right to address this violation at a later date.

NONCOMPLIANCE SUMMARY

The offender has not complied with the following condition of supervision:

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Violation Number Nature of Noncompliance

1 Mandatory Condition: Possession and use of cocaine

On or about January 26, 2017, September 13, 2017, and December 20, 2017, and January 15, 2018, in Cameron County, Texas, John Frederick Foerster possessed and used cocaine, a controlled substance not prescribed by a physician, as evidenced by urine specimens submitted by him to Sr. U.S. Probation Officer Adrian Acuna and the treatment provider on those dates. Such specimens tested positive for cocaine, through laboratory analysis. The possession alleged above is a violation of 21 U.S.C. § 844.

**2 Special Condition: Shall participate in drug/alcohol treatment
program as directed**

John Frederick Foerster violated the special condition of supervision which requires that he participate as directed in a drug/alcohol treatment program and comply with the treatment agency's rules and regulations, when he used cocaine on January 26, 2017, September 13, 2017, and December 20, 2017, and January 15, 2018. The offender had been advised by his probation officer and drug treatment counselor, at the commencement of the treatment, that using illicit drugs is contrary to the rules and regulations of the treatment agency.

U.S. Probation Officer Action:

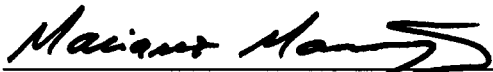
On January 18, 2018, this officer confronted the offender about his use of cocaine, specifically the third and fourth positive urine specimens submitted by the offender. These violations represent more than three (3) positive urine specimens over the course of approximately one (1) year. The offender admitted using cocaine prior to each of the urine specimens. Since commencement of the supervised release term, the offender has struggled with mental health issues and negative peer associates. He has participated in the outpatient treatment program at an acceptable level with regard to attendance. However, the offender's commitment to completely avoiding negative peers appears to be lacking. The offender has requested to be allowed to continue with rehabilitation at an increased level. As a correctional strategy, the offender will be required to attend a marked increase in individual and group sessions and his participation in the program will be closely monitored to insure compliance. As a controlling strategy, the offender has been admonished as to the statutory exposure for revocation proceedings in the instant offense. **Pursuant to 18 U.S.C. § 3583(g), revocation is mandatory for an offender who tests positive for illegal substances more than three (3) times over the course of one (1) year. Pursuant to 18 U.S.C. § 3583(d), the Court shall consider whether the availability of substance abuse treatment, or the offender's participation in the program, warrants an exception.** It is respectfully recommended that

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the Court allow the offender to continue to attend the outpatient drug treatment program. He has been admonished that further noncompliance could result in revocation proceedings, including incarceration. It is understood the Court reserves the right to address these violations at a later date.

Approved:

Respectfully submitted,



Mariano Marroquin, Supervising
United States Probation Officer
Date: January 24, 2018

By:



Adrian R. Acuna
Sr. United States Probation Officer
Pacts No: 849471

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- ☒ Court Concurs with Recommended Action
- ☐ Submit a Request for Modifying the Conditions or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other:



Andrew S. Hanen
United States District Judge

1/29/18

Date